

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2419 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

NAYAK POPATBHAI KESHAVLAL

Versus

PARASMAL LONKARAN LONAVAT

Appearance:

1. Special Civil Application No. 2419 of 1987
MR PK JANI for Petitioner
MR PV NANAVATI for Respondent No. 1
SERVED BY AFFIX.(N) for Respondent No. 3
NOTICE SERVED for Respondent No. 4
GOVERNMENT PLEADER for Respondent No. 5

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 02/07/1999

ORAL JUDGEMENT

The petitioner before me happens to be one Shri.
Popatbhai Keshavlal, a citizen of village Meu, under the

district of Mehsana. The principal prayer sought in the petition appears to be rather queer. The petitioner seeks from this Court a writ of certiorari or any other appropriate writ, order or direction, quashing and setting aside the judgment and decree pronounced by Ld. Judge, City Civil Court, Ahmedabad in Summary Suit No. 1422 of 1987 dated April 23, 1987, and also the orders below Application Exhibit-15.

It appears that, in a petition which has been taken out by the petitioner under Article 226 and 227 of the Constitution such a prayer cannot be countenanced. If the petitioner feels aggrieved by the above said judgment decree and orders pronounced by the Ld. Judge of the City Civil Court, Ahmedabad, there has been the appropriate statutory remedy available to him which should prove to be efficacious. The statutory procedural and substantive formalities provided under the CPC could be resorted to by the petitioner. It appears that such a petition would not be maintainable for causing any interference in a judgment & decree pronounced by the competent Court. Precisely because of this reason, this petition fails and requires to be dismissed. I order accordingly. Rule shall stand discharged. No order as to cost.

The above said orders have been passed after having the advantage of hearing Ld. counsel Mr. P.V. Nanavati, who appears for Respondent No.1 & 2. Ld. counsel Mr. Jani for the petitioner could not be heard, as he is found not to be present when the matter is called out.

/vgn.